

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

FILED BY 10 D.C.

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SIGNATURE COMBS, INC., ET AL.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, ET AL.,

Defendants.

CIVIL ACTION NO. 98-2777-D

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENNESSEE

SIGNATURE COMBS, INC., ET AL.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, ET AL.,

Defendants.

CIVIL ACTION NO. 98-2968-D

SIGNATURE COMBS, INC., ET AL.,

Plaintiffs.

v.

UNITED STATES OF AMERICA, ET AL.,

Defendants.

CIVIL ACTION NO. 00-2245-D

ORDER APPROVING FINAL DISBURSEMENT OF SPECIAL MASTER'S FEES  
FROM ESCROW AND RELEASING SETTLING PARTIES FROM ANY AND ALL  
OBLIGATION FOR SPECIAL MASTER'S FEES INCURRED IN THESE  
CONSOLIDATED ACTIONS

Utilizing its equitable powers and case management authority under Rule 16 of the Federal Rules of Civil Procedure, this Court appointed William H. Hyatt, Jr. as Special Master to assist in the mediation of various claims by and between the parties. During the course of the litigation, the Special Master submitted various petitions and requests for fees, some of which were contested and opposed by various parties.

This cause came to be heard on September 27, 2005, upon motion of counsel for Pitney Hardin LLP ("Pitney Hardin"), the former law firm of the Special Master, William H. Hyatt, Jr., for permission to disburse funds previously paid by various of the parties for Special Master services and held in escrow by Pitney Hardin in the amount of \$60,074.68 and to apply the same toward the alleged balance of outstanding fees relating to the Special Master's services. Pitney Hardin has represented to the Court that all claims for any and all outstanding fees are owned by Pitney Hardin.

All matters except the Special Master's pending fee applications have been adjudicated, settled or compromised. At the hearing, counsel for Pitney Hardin, and through its agency the Special Master, represented to the Court that he had entered into settlement with the following parties ("Initial Settling Parties"):

Signature Combs, Inc. (f/k/a/ AMR Combs, Inc.)  
Agrico Chemical Company  
Bellsouth Telecommunications, Inc.  
Bluff City Buick Company, Inc.  
Burlington Northern Santa Fe Railway Co.  
Carrier Excavation and Foundation Co.  
Chevron U.S.A. Inc.  
Chuck Hutton Co.  
City of Memphis, Tennessee (A Municipal Corporation)  
The Coca-Cola Bottling Co. of Memphis, Tennessee  
E.I. DuPont De Nemours & Co., Inc.  
Exxon Corporation  
Georgia-Pacific Corporation  
The Goodyear Tire & Rubber Company

Greyhound Lines, Inc.  
Haygood Group, Inc.  
The Hertz Corporation  
Hoehn Motors, Inc.  
Illinois Central Railroad Co.  
Kellogg Company  
Kimberly-Clark Corp.  
Kraft Foods, Inc.  
The Kroger Co.  
Memphis Area Transit Authority (A Public Transportation System And  
Transit Authority)  
Memphis Light, Gas and Water Division (MLGW)  
Navistar International Transportation Corp.  
Norfolk Southern Railway Co.  
Phillips Petroleum Co.  
Ryder Truck Rental, Inc.  
Sara Lee Corporation  
Schilling Lincoln-Mercury Inc.  
Sears, Roebuck & Company  
Shelby County Government  
Shell Oil Company  
St. Louis Southwestern Railway Company  
Texaco Inc.  
Texas Gas Transmission Corp.  
Trailmobile Corp.  
Tri-State Mack, Inc.  
Trunkline Gas Company  
Union Oil Company of California d/b/a Unocal  
Viad Corp.  
W.R. Grace & Co.  
White Rose, Inc.  
Yokohama Tire Corp.  
Deffenbaugh Industries, Inc.  
Industrial Service Corporation n/k/a Quality Analytical Services, Inc.  
Mid-Continent Fuel Company, Inc., a dissolved Minnesota corporation  
Mueller Copper Tube Products, Inc.  
-and-  
Waterways Marine of Memphis, Inc.

Under the terms of such settlement, the foregoing Initial Settling Parties agreed, among other things, (i) to release any interest each might have in the monies in escrow for Special Master services by Pitney Hardin, and (ii) to not object to the current motion of the Special Master through the agency of his former law firm for permission to

disburse to his former law firm funds in the amount of \$60,074.68 from the escrow account and to apply the same toward the alleged balance of outstanding fees relating to the Special Master's services and owned by Pitney Hardin. In consideration therefor, among other things, the Special Master through the agency of his former law firm has agreed to move the Court to dismiss all outstanding petitions or requests for Special Master fees in the consolidated litigation and to release the Initial Settling Parties from any and all liability, claims, or demands whatsoever relating to the services of the Special Master in this consolidated litigation.

Subsequent to that hearing, counsel for Pitney Hardin reached settlement with the following parties ("Subsequent Settling Parties"):

The City of West Memphis, Arkansas  
Colvert Chrysler-Plymouth, Inc.  
Continental General Tire, Inc.  
Dean Foods Products, Inc.  
Eaton Corporation  
Ferguson Harbour, Inc.  
Fineberg Packing Company  
Frito-Lay, Inc.  
Hawkins Machinery, Inc.  
Hunter Fan Company  
IBC Manufacturing Company  
Jim Keras Buick Company  
Lewis Ford, Inc.  
Lone Star Industries, Inc.  
The Mason Dixon Lines, Inc.  
Mobil Oil Corporation  
Oakley-Kessee Ford, Inc.  
Pat Patterson Motor Sales, Inc.  
Scruggs Equipment Company, Inc.  
Shannon Brothers Enterprises, Inc.  
Shelby Electric Company  
The Southern Company, Inc.  
Safety Kleen Systems, Inc.  
Super Service Motor Freight Company, Inc.  
Tate Logistics, Inc., f/k/a Merchants Trucking Company  
Turner Dairies, Inc.

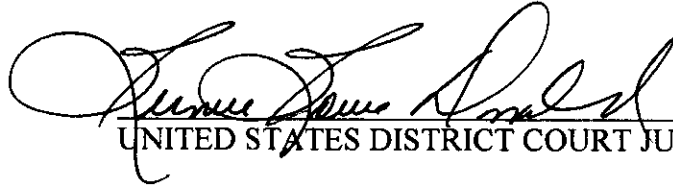
Whittington Trucks, Inc.  
Wooten Oil Company  
Wooten Truck & Tractor Company  
-and-  
The Yellow Cab Company

Under the terms of such settlement, the foregoing Subsequent Settling Parties agreed, among other things, (i) to release any interest each might have in the monies in escrow for Special Master services by Pitney Hardin, and (ii) to not object to the current motion of the Special Master through the agency of his former law firm for permission to disburse to his former law firm funds in the amount of \$60,074.68 from the escrow account and to apply the same toward the alleged balance of outstanding fees relating to the Special Master's services and owned by Pitney Hardin, or counsel for Pitney Hardin has concluded that certain among the Subsequent Settling Parties (1) had already paid court-ordered assessments in full, or (2) were not required to pay court ordered assessments due to dismissal from the litigation prior to the subject mediation, or (3) were unable to pay court ordered assessments due to insolvency or bankruptcy. In consideration therefor, among other things, the Special Master through the agency of his former law firm has agreed to move the Court to dismiss all outstanding petitions or requests for Special Master fees in the consolidated litigation and to release both the Initial and Subsequent Settling Parties from any and all liability, claims, or demands whatsoever relating to the services of the Special Master in this consolidated litigation.

For good cause shown, the Court hereby GRANTS the instant motion and ORDERS that all outstanding petitions or requests for Special Master fees in this consolidated litigation are hereby RESOLVED as against the Initial Settling Parties and the Subsequent Settling Parties, and the above-listed Initial Settling Parties and

Subsequent Settling Parties are hereby RELEASED from any and all liability, claims or demands whatsoever relating to the services of the Special Master in this consolidated litigation, and there being no further case nor controversy remaining for adjudication in this consolidated litigation, all of the above-captioned cases comprising this consolidated litigation are hereby dismissed with legal prejudice.

IT IS SO ORDERED this the 31<sup>st</sup> day of October.



UNITED STATES DISTRICT COURT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 657 in case 2:98-CV-02777 was distributed by fax, mail, or direct printing on November 2, 2005 to the parties listed.

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